IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

TUESDAY, THE 27TH FEBRUARY 2007 / 8TH PHALGUNA 1928

WP(C).No. 3958 of 2007(U)

PETITIONER:

BASHEER, S/O.SIKENTHER,
M.G.P. IX/3355, A.M.ROAD,
MUNNAR, IDUKKI DISTRICT.

BY ADV. SRI.LATHEESH SEBASTIAN

RESPONDENTS:
----

1. THE MANAGER, ELECTRICAL DEPARTMENT,
MUNNAR WORKSHOP AND ENGINEERING DEPARTMENT,
M/S.K.D.H.P. CO.(P) LTD., MUNNAR.

2. TATA TEA LIMITED, REPRESENTED BY
ITS PLANT MANAGER, MUNNAR WORK SHOP,
MUNNAR.

BY ADV. SRI.JOSEPH KODIANTHARA
SRI.TERRY V.JAMES

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) NO: 3958/2007 U

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1. COPY OF THE OWNERSHIP CERTIFICATE ISSUED FROM THE MUNNAR GRAMA PANCHAYAT.

EXT.P2. COPY OF THE DECREE OF THE DIST. COURT, THODUPUZHA.

EXT.P3. COPY OF THE APPLICATION DT. 16/12/2006.

True copy

tga

K.BALAKRISHNAN NAIR, J.

W.P.(C) NO. 3958 OF 2007-U

JUDGMENT

The petitioner applied for power connection to the 2nd respondent, which is the licensee for power supply in Munnar area. Feeling aggrieved by the delay from the part of the respondents to grant power connection, this Writ Petition is filed.

2. The respondents have filed a statement, in which it is submitted that power supply will be given to the petitioner on producing certain documents. The relevant portion of the said statement is quoted below:

> "3. It is submitted that as per the terms and conditions of power supply for availing new electric connection, the following documents are required:
>
> 1. Application (with connected load details)
> 2. Panchayath Ownership Building Certificate (original)
> 3. Panchayath Tax Receipt – Attested.
> 4. Attested copy of Patta for the land on which the shop situates.
> 5. Land Tax Receipt – Attested."

The petitioner points out that it is difficult to satisfy conditions Nos.4 and 5, as he is residing in Government puramboke land, which is treated as not objectionable occupation. But, he is having the Panchayat Ownership

Building Certificate and Panchayat Tax Receipt.

3. I heard the learned standing counsel for the respondents also. Having regard to the facts of the case, if the petitioner satisfies the first three conditions mentioned above, connection shall be given to him, if he is otherwise eligible, as expeditiously as possible. But, it is clarified that this direction will not confer any right on the petitioner in the Government land occupied by him and if the officials of the Government pass orders, asking him to vacate the Government land, the electricity connection given to him shall also be liable to be dismantled.

The Writ Petition is disposed of as above.

27th February, 2007. K.BALAKRISHNAN NAIR, JUDGE.

Nm/